



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*86 Chambers Street, 3rd floor
New York, New York 10007*

March 2, 2018

BY ECF AND FACSIMILE

The Honorable P. Kevin Castel
United States District Judge
United States Courthouse
500 Pearl Street
New York, New York 10007

Re: *New York Times Co. v. U.S. Dep't of Justice*,
No. 17 Civ. 1946 (PKC)

Dear Judge Castel:

We write respectfully on behalf of Defendant the United States Department of Justice in the above-referenced matter, to respectfully request, on consent, a one-week extension of the currently contemplated deadlines in this case. As set forth in the parties' most recent joint status report (Dkt. No. 19), Defendant agreed to provide Plaintiffs with an index of all documents in Defendant's production set that have not yet been processed for release (which total nearly five thousand documents), by March 5, 2018, and the parties agreed to confer and submit an additional status report to the Court on March 20, 2018. Defendant respectfully requests a one-week adjournment of the parties' agreed deadlines, for two reasons: (1) Defendant requires additional time for client consultation in preparing the index of documents, and (2) the agency preparing the index of documents has been closed today due to inclement weather, and the relevant personnel are therefore losing some work time.

If the Court grants Defendant's request set forth herein, we further respectfully request a corresponding adjournment of a court conference now set for **March 20, 2018, at 1:45 p.m.** (Dkt. No. 20), to a date after March 27, 2018, when a status report will be due if the Court approves the revised schedule outlined below. This is Defendant's first request for an adjournment of these deadlines. Defendant has conferred with Plaintiffs' counsel regarding this request, and Plaintiffs consent.

For the reasons set forth in this letter, Defendant respectfully requests entry of the following revised deadlines in this matter:

- (1) By March 12, 2018, the Government will provide Plaintiffs with an "index" of all documents in the Government's production set (defined as responsive

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documents located via reasonable searches, subject to production and processing agreements previously reached by the parties) that have not yet been processed for release by the Government. The parties agree that the Government will endeavor to prepare and provide this index with the understanding that Plaintiffs will use it in order to make a good faith effort to limit the scope of any further document processing. The index will include the following information regarding each document:

- a. Date
- b. Type of document (*e.g.*, email, research memorandum, opinion, etc.)
- c. Designation of the document as intra-agency, inter-agency, or external
- d. Name of the persons sending or receiving the document or otherwise mentioned in the document (subject to appropriate withholding per FOIA exemptions, including but not limited to Exemptions 6 or 7(C))
- e. Description of the topic of the document, with the Government agreeing to provide, in good faith, as much specificity as possible subject to the appropriate application of FOIA exemptions.

(2) Following the Government's provision of the index, the parties will promptly confer regarding the possible limitation of the scope of any further document processing, and a plan for moving forward.

(3) The parties will submit an additional status report to the Court on March 27, 2018.

We thank the Court for its consideration of this matter.

Respectfully,
GEOFFREY S. BERMAN
United States Attorney

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cc (via ECF): All counsel of record